

Exhibit B

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. 1:20-cv-00706-DLC

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FEDERAL TRADE COMMISSION;
STATE OF NEW YORK; STATE OF
CALIFORNIA; STATE OF ILLINOIS;
STATE OF NORTH CAROLINA;
STATE OF OHIO; COMMONWEALTH
OF PENNSYLVANIA; And
COMMONWEALTH OF VIRGINIA,
Plaintiffs,

v.

VYERA PHARMACEUTICALS, LLC;
PHOENIXUS AG; MARTIN SHKRELI,
Individually, as an owner and
former officer of Vyera Pharmaceuticals, LLC
and Phoenixus AG (formerly
known as Turing Pharmaceuticals, LLC
and Turing Pharmaceuticals AG);
and KEVIN MULLEADY, individually,
as an owner and director of
Phoenixus AG and a former
Executive of Vyera Pharmaceuticals, LLC,
Defendants.

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REMOTE DEPOSITION OF MARTIN SHKRELI

VOLUME II

January 28, 2021

Reported by:
MARY F. BOWMAN, RPR, CRR
JOB NO. 188174

<p style="text-align: right;">Page 215</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5 January 28, 2021</p> <p>6 9:00 a.m.</p> <p>7</p> <p>8</p> <p>9 Remote deposition of MARTIN</p> <p>10 SHKRELI, held before Mary F. Bowman, a</p> <p>11 Registered Professional Reporter, Certified</p> <p>12 Realtime Reporter, and Notary Public of the</p> <p>13 State of New Jersey.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 216</p> <p>1</p> <p>2 APPEARANCES: (BY VIDEOCONFERENCE)</p> <p>3</p> <p>4 FEDERAL TRADE COMMISSION</p> <p>5 Attorneys for Plaintiffs</p> <p>6 600 Pennsylvania Avenue Northwest</p> <p>7 Washington, DC 20580</p> <p>8 BY: MARKUS MEIER, ESQ.</p> <p>9 NICHOLAS PERLMAN</p> <p>10</p> <p>11 MORGAN LEWIS & BOCKIUS</p> <p>12 Attorneys for Defendant Vyera Pharmaceuticals</p> <p>13 and Phoenixus AG</p> <p>14 1701 Market Street</p> <p>15 Philadelphia, PA 19103</p> <p>16 BY: STEVEN REED, ESQ.</p> <p>17</p> <p>18 DUANE MORRIS</p> <p>19 Attorneys for Defendant Shkreli</p> <p>20 30 South 17th Street</p> <p>21 Philadelphia, PA 19103</p> <p>22 BY: CHRISTOPHER CASEY, ESQ.</p> <p>23 A.J. RUDOWITZ, ESQ.</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 217</p> <p>1</p> <p>2 APPEARANCES: (BY VIDEOCONFERENCE)</p> <p>3</p> <p>4 KASOWITZ BENSON TORRES</p> <p>5 Attorneys for Defendant, Mulleady</p> <p>6 1633 Broadway</p> <p>7 New York, NY 10019</p> <p>8 BY: ALBERT SHEMMY MISHAAN, ESQ.</p> <p>9 DAVID ERMANN, ESQ.</p> <p>10</p> <p>11</p> <p>12 Also Present:</p> <p>13 Amy McFarlane, NYS AG Office</p> <p>14 Jeremy Kasha NY AG Office</p> <p>15 Kip Sturgis, NC AG Office</p> <p>16 Michael Battaglia, CA AG Office</p> <p>17 Liz Maag, OH AG Office</p> <p>18 Carlos Lopez, Videographer</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 218</p> <p>1</p> <p>2</p> <p>3</p> <p>4 IT IS HEREBY STIPULATED AND</p> <p>5 AGREED, by and between the attorneys</p> <p>6 for the respective parties herein, that</p> <p>7 filing and sealing be and the same are</p> <p>8 hereby waived.</p> <p>9 IT IS FURTHER STIPULATED AND</p> <p>10 AGREED that all objections, except as</p> <p>11 to the form of the question, shall be</p> <p>12 reserved to the time of the trial.</p> <p>13</p> <p>14 IT IS FURTHER STIPULATED AND</p> <p>15 AGREED that the within deposition may</p> <p>16 be sworn to and signed before any</p> <p>17 officer authorized to administer an</p> <p>18 oath, with the same force and effect as</p> <p>19 if signed and sworn to before the</p> <p>20 Court.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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1 M. Shkreli
2 MR. CASEY: Objection to the
3 form.
4 A. It's a good question. I actually
5 would leave it somewhere very often. I
6 would just kind of leave it on a desk,
7 either turned on or turned off. But I
8 never really used it. I used my 646 number
9 that served as my cell phone for a long
10 time.
11 Q. Was there -- why would you
12 sometimes use your corporate phone? What
13 would -- I mean, what would cause you to
14 use your 646 number versus your corporate
15 phone?
16 MR. REED: Objection, form.
17 MR. CASEY: Objection --
18 A. I think -- sorry, guys.
19 I think it's just habit, you
20 know, you are used to a phone you like. I
21 don't think I ever really made phone calls
22 on the corporate phone almost ever. It's
23 funny because I think they are same
24 identical almost iPhone.
25 One, if I recall correctly, was

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1 M. Shkreli
2 yesterday. Is a handful -- what is a
3 handful?
4 A. Less than ten.
5 Q. I'm sorry, less than what?
6 A. Ten. Two handfuls.
7 Q. OK. Do you ever remember sending
8 any e-mails from your corporate phone?
9 A. Well, if you send an e-mail from
10 your corporate phone, it would still come
11 from the e-mail server, right, that that
12 phone is connected to.
13 I kind of think of those things
14 independently. For instance, you send an
15 e-mail from an e-mail address, but I don't
16 think I ever used my corporate phone to
17 really send any e-mails, no.
18 Q. What ended up happening with your
19 corporate phone when you left Turing?
20 MR. CASEY: Objection to the
21 form.
22 A. I really don't know. I would
23 just say that phone is really not that
24 important. I never did anything with it of
25 any sort that you would find interesting.

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1 M. Shkreli
2 my T-mobile phone, which again I liked, and
3 the other was the Verizon connected
4 corporate phone.
5 But if you text message somebody
6 from the Verizon phone, they are going to
7 get a new number and they don't know it's
8 me. So why would I ever use it? You know
9 what I mean? Everybody knows my phone.
10 Q. I know exactly what you mean
11 because I do exactly the same thing. I
12 have two separate phones and they are both
13 iPhones.
14 Do you recall whether you ever
15 sent text messages with your corporate
16 phone?
17 MR. CASEY: Objection to the
18 form.
19 A. Sitting here today, I can tell
20 you that I probably sent thousands and
21 thousands of text messages on the 646
22 phone, but I'd be shocked if I sent more
23 than a handful of messages on the corporate
24 phone.
25 Q. We talked about handful

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1 M. Shkreli
2 Q. OK. You would be surprised what
3 I find interesting.
4 A. You are more than welcome to try
5 to find out. I, you know, all the action
6 of my life is on that 646 phone.

[REDACTED]